

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JERRY W. GRIFFITH

Plaintiff,

V.

**EDWARD W. MENCH, JR., Individually
and as Chief of Police, Laundale Police
Department; THOMAS LINK, Individually
and as an Officer of the Laundale Police
Department; and, BOROUGH OF
LAURENDALE**

Defendants.

CIVIL ACTION

NO. 02-3543

ORDER

AND NOW, this 18th day of October, 2002, upon consideration of defendants' Motion to Dismiss Plaintiff's Amended Complaint by all Defendants Pursuant to Federal Rule of Civil Procedure 12 (Document No.11, Filed September 26, 2002), and Plaintiff's Answer to Defendants' Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12 (Document No. 12, filed October 15, 2002), **IT IS ORDERED** that defendants' Motion to Dismiss Plaintiff's Amended Complaint by all Defendants Pursuant to Federal Rule of Civil Procedure 12 is **GRANTED IN PART AND DENIED IN PART**, as follows:

1. That part of the Motion which seeks dismissal of the Fifth Amendment claims asserted in Plaintiff's Amended Complaint is **GRANTED** on the ground that the Amended Complaint fails to state a claim upon which relief can be granted under the Fifth Amendment; and,
2. In all other respects, defendants' Motion to Dismiss Plaintiff's Amended Complaint by all Defendants Pursuant to Federal Rule of Civil Procedure 12 is **DENIED**.

IT IS FURTHER ORDERED that, by agreement of the parties, the case is
REFERRED to United States Magistrate Judge Thomas J. Rueter for a settlement conference.

BY THE COURT:

JAN E. DUBOIS, J.